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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

X
Cuozzo Speed Technologies, LLC : Civil Action No. 2:12-cv-3623
vs. Plaintiff, :
Garmin International, Inc., Garmin USA, Inc., and Defendants. :
Chrysler Group LLC :
Defendants. :

X

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Pursuant to the December 18, 2013, agreed briefing schedule, Plaintiff Cuozzo Speed Technologies, LLC (“Cuozzo”), submits this Memorandum in support of its Opposition to Defendant Chrysler Group LLC’s (“Chrysler”) Motion for Summary Judgment of Non-Infringement and, in support thereof, respectfully states as follows:

I. ARGUMENT AND AUTHORITIES

Chrysler is not entitled to summary judgment of non-infringement for the same reasons set forth in Plaintiff’s Memorandum in Opposition to Defendants’ Motion for Summary Judgment of Non-Infringement in Civil Action No. 2:12-cv-3626 (the “‘626 Case”) which is incorporated by reference as if fully set forth herein. Chrysler’s summary judgment arguments are entirely based upon the arguments made by Defendant Tom Tom, Inc. in the ‘626 Case. For the same reasons that summary judgment is not appropriate in the ‘626 Case, summary judgment is not appropriate in this case.

Additionally, Chrysler incorrectly states that the accused Blue&Me devices are accused in both this action and the ‘626 Case. In a letter dated November 29, 2013, to U.S.M.J. Dickson Plaintiff’s counsel informed requested leave to amend its infringement contentions such that the Blue&Me devices are only accused in this case. ‘626 Case, Doc. No. 103. Furthermore, as explained in the letter, Tom Tom’s non-U.S. sales of Blue&Me devices to FIAT that are subsequently imported into the U.S. in FIAT vehicles constitutes infringing activities of FIAT that would not be accounted for in the ‘626 Case. Accordingly, for the reasons stated above, Chrysler’s Motion should be denied. Plaintiff’s Responsive Statement of Material Fact is attached hereto as Exhibit A.

Respectfully submitted,

By:s/Lawrence C. Hersh

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 6th day of January, 2014..

s/ Lawrence C. Hersh

Lawrence C. Hersh